
OLR Bill Analysis

sHB 6688

AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO THE AWARD OF ALIMONY AND THE DISPOSITION OF PROPERTY.

SUMMARY:

This bill modifies several alimony and property division laws, in most cases conforming law to existing practice. The bill:

1. requires courts assigning alimony amounts or dividing property to consider the parties' earning capacity and education, in addition to existing factors;
2. requires courts to consider the feasibility of a custodial parent's securing employment as a factor in alimony calculation;
3. broadens the evidence a court must consider before assigning property or awarding alimony;
4. directs courts to specify the basis for any order for indefinite or lifetime alimony;
5. when modifying an alimony order based on changed circumstances, requires the judge to determine the extent to which the existing order must be modified using the same criteria established for determining alimony awards;
6. when an alimony order incorporates an agreement of the parties specifying circumstances of cohabitation under which alimony will be modified, suspended, or terminated, requires the court to enforce that provision of the agreement and enter orders accordingly; and
7. repeals the requirement that a court hear a motion to modify an order for support or alimony and a motion of contempt for

noncompliance at the same time.

The bill requires the Connecticut Law Revision Commission to study the fairness and adequacy of state statutes relating to the award of alimony. The commission must present its recommendations to the Judiciary Committee and chief court administrator by February 1, 2014.

Consistent with existing practice, the bill makes alimony and property division laws gender neutral.

EFFECTIVE DATE: October 1, 2013, except the provision on the Law Revision Commission study is effective upon passage.

§ 2 — ASSIGNMENT OF PROPERTY AND TRANSFER OF TITLE

Under current law, the court, in determining the nature and value of property to be assigned in divorce, annulment, or legal separation settlements, must consider the:

1. length of the marriage;
2. causes for the annulment, dissolution of the marriage, or legal separation;
3. age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each party;
4. opportunity of each party to acquire capital assets and income in the future; and
5. contribution of each party to the acquisition, preservation, or appreciation in value of their respective estates.

The bill requires the court also to consider each party's earning capacity and education.

Current law requires the court to assign property after hearing the testimony of each party's witnesses. The bill requires the court to

consider all the evidence presented by each party before assigning property.

§§ 3 & 4 — ALIMONY

Determining Alimony Award

Under current law, the court, in determining whether to award alimony and the duration and amount of the award, must consider the:

1. length of the marriage;
2. causes for the annulment, dissolution of the marriage, or legal separation;
3. age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, and needs of each of the parties; and
4. the nature and value of any property awarded to each of the parties by the court.

The bill requires the court also to consider each party's earning capacity and education.

Under current law, in the case of a parent to whom custody of minor children has been awarded, the court, in determining alimony awards, must consider the desirability of that parent securing employment. The bill requires the court also to consider the feasibility of such parent securing employment.

Current law requires the court to determine alimony awards after hearing the testimony of each party's witnesses. The bill requires the court to consider all the evidence presented by each party before determining such awards.

Indefinite or Lifetime Alimony Award

Under the bill, the court must articulate with specificity the basis for any order for alimony that terminates only upon the death of either party or the remarriage of the recipient.

Modification of Alimony

By law, a court may continue, set aside, alter, or modify any final order for the periodic payment of permanent alimony or support or an order for alimony or support pendente lite (temporary support while a divorce order is pending) upon a showing of a substantial change in the circumstances of either party. The bill requires the court to determine what modification of alimony, if any, is appropriate if, after a hearing, it finds that a substantial change in the circumstances of either party has occurred. In making the determination, the bill requires the court to use the same criteria outlined above for determining alimony.

Under law, the court may modify, suspend, reduce, or terminate the payment of periodic alimony upon the showing that the recipient is living with another person and the living arrangements constitute a change of circumstances that alter the financial needs of that party. The bill specifies that if the court order incorporates the agreement of the parties, and that agreement specifies other circumstances of cohabitation under which alimony will be modified, suspended, or terminated, the court must enforce that provision of the agreement and enter orders accordingly.

§ 6 — MOTION FOR MODIFICATION OF SUPPORT ORDER COMBINED WITH MOTION FOR CONTEMPT

The bill repeals a requirement for courts to (1) accept a motion for modification of an order for support and alimony by a party against whom a motion for contempt for noncompliance with such orders is pending and (2) hear both motions at the same time.

§ 5 — LAW REVISION COMMISSION ALIMONY STUDY

The bill requires the Connecticut Law Revision Commission to study the fairness and adequacy of state statutes relating to the award of alimony in actions for divorce, legal separation, or annulment. It requires the commission to (1) collect empirical data on the award of alimony by courts in the state and (2) recommend revisions to state statutes as the commission deems just and equitable.

The bill specifies the things that the commission must consider in developing its recommendations, which include:

1. the nature of the proceedings in actions for dissolution of marriage, legal separation, or annulment;
2. the comprehensiveness of the existing statutory criteria used to determine alimony awards;
3. statistical data reflecting the comparative financial circumstances of parties to the actions at defined intervals subsequent to the entry of judgment;
4. the statutory criteria used in other states to make such determinations; and
5. other considerations the commission deems appropriate.

The bill also requires the commission to present its recommendations for proposed statutory revisions to the Judiciary Committee and the chief court administrator by February 1, 2014.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 1 (04/12/2013)